

HOWARD RUBIN - 10/25/2018

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

2 -----x

3 HILLARY LAWSON, KRISTINA HALLMAN,  
4 STEPHANIE CALDWELL, MOIRA HATHAWAY,  
MACEY SPEIGHT, ROSEMARIE PETERSON, and  
LAUREN FULLER,

5 Plaintiffs,  
6 - against -

Case No.:  
1:17-cv-06404 (BMC)

7 HOWARD RUBIN, JENNIFER POWERS,  
8 and the DOE COMPANY,

9 Defendants.  
10 -----x

11 225 Broadway  
12 New York, NY 10007  
October 25, 2018  
13 10:11 a.m.

14

15 VIDEOTAPED DEPOSITION of HOWARD RUBIN, in  
16 the above-entitled action, held at the above time  
17 and place, pursuant to order, taken before ESTAMARIE  
18 CASTELLI-VELEZ, a shorthand reporter and Notary  
19 Public within and for the State of New York.

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1		A So, I will only have any kind of sexual
		2 relation with another women -- with a woman, if it's
		3 consensual.
4	<b>Q Do you ever have BDSM sexual interactions</b>	
5	<b>with men?</b>	
6	A No.	
7	<b>Q What do you mean by consensual?</b>	
8	A That the women has agreed to the type of	
9	activity, BDSM activity, that we're going to engage	
10	in.	
11	<b>Q How does she show such agreement?</b>	
12	A Couple of different ways; she agrees and	
13	we have a discussion prior to our sexual activity	
14	beginning and I also use, which is common in BDSM	
15	sexual play, I use safe words.	
16	MR. BALESTRIERE: I'm sorry. Can you --	
17	can you read back the answer again or can I	
18	just look?	
19	<b>Q Okay, so you testified about having a</b>	
20	<b>discussion prior to the sexual activity. How does</b>	
21	<b>that discussion go?</b>	
22	A I talk, discuss what is going to happen	
23	beforehand, and just, you know, merely that. We	
24	have some kind of discussion beforehand about what	
25	activity might take place.	
	Page 71	Page 73
1	A Mid-2000 sometime.	
2	<b>Q And who was that?</b>	
3	A I --	
4	MR. MCDONALD: I'm going to object.	
5	Consistent with the judge's ruling on the I	
6	think it was the 29 of August, we're going to	
7	object to any questions that would reveal the	
8	identity of any of the women with whom he had	
9	sexual relations other than the plaintiffs in	
10	this case. And he's prepared to talk about	
11	events that took place, but he's not going to	
12	give you the names of any women. That's	
13	consistent with the judge's order.	
14	<b>Q Was it Ms. Powers?</b>	
15	A No.	
16	<b>Q So, you had been engaged in BDSM</b>	
17	<b>activities prior to Ms. Powers, correct?</b>	
18	A That's correct.	
19	<b>Q I'm going to ask a couple of questions</b>	
20	<b>about some of the terms that you use.</b>	
21	What do you mean when you say that it	
22	is a consensual interaction or a consensual	
23	relationship?	
24	A I'm talking about my experiences.	
25	<b>Q That's all I'm asking about.</b>	

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1 finished with his answer.

2 A I have general discussion about the type

3 of BDSM activity we are going to engage in.

4 Q So, when you say general discussions, what

5 do you mean?

6 A I talk about what type of toys we're going

7 to use, that there will be bondage involved, that

8 there might be [redacted]

9 involved.

10 Q Anything else?

11 A I can't remember at the time if I

12 discussed other -- or I do discuss other things.

13 Q To be clear, are you always the dominant?

14 A I'm always the dominant.

15 Q Have you ever been a submissive?

16 A I have not.

17 Q When you say bondage, what do you mean by

18 that?

19 A Bondage is the use of either bondage rope

20 or bondage tape and it could be tying a woman up in

21 various positions.

22 Q Give me an example of a position/

23 A Her hands and feet may be tied.

24 Q With rope or tape?

25 A Possibly, yes.

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1 A I'm really trying to think -- think  
2 through your question.

3 There were certainly -- let's try  
4 repeating the question again. I'm having trouble  
5 understanding it.

6 MR. BALESTRIERE: Do you mind repeating  
7 it, please? Thank you.

8 (Whereupon, the reporter read  
9 back the last question.)

10 A Certainly verbal communication would be  
11 the number one -- the number one methodology of  
12 stopping BDSM play. I think there could be facial  
13 expressions. There could be body language. But by  
14 far, the number one methodology was verbal.

15 Q What kind of verbal communication could a  
16 submissive employ outside the use of her safe word  
17 or the word stop?

18 A I guess the English language. She could  
19 say -- just the way anyone would communicate the  
20 desire to stop.

21 Q And then, you would stop, correct?

22 A I would always stop.

23 Q How often during your play did a  
24 submissive use a safe word?

25 A Several times, but I -- I don't remember

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1 that will refresh his recollection and allow  
2 him to understand the question.  
3 Q Who introduced Ms. [REDACTED] to you?  
4 A [REDACTED].  
5 Q Did you ever have -- did you ever pay Ms.  
6 [REDACTED] for any BDSM play beyond -- withdrawn.  
7 A [REDACTED] was introduced by [REDACTED]  
8 [REDACTED].  
9 Q What about Ms. [REDACTED]?  
10 A No.  
11 Q Who introduced Ms. [REDACTED] to you?  
12 A [REDACTED].  
13 Q What about [REDACTED], who introduced [REDACTED]  
14 [REDACTED] to you?  
15 A [REDACTED].  
16 Q [REDACTED] who introduced her to  
17 you?  
18 A [REDACTED].  
19 Q Who introduced Ms. [REDACTED] to you?  
20 A I said before I can't recall who  
21 introduced [REDACTED] to me.  
22 Q What about Ms. [REDACTED]?  
23 A I don't remember how I met [REDACTED]  
24 Q When did you first meet her?  
25 A Several years ago.

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1	Ms. Powers with regards to the payment of her legal fees?	1 [REDACTED]
2	A [REDACTED].	[REDACTED]
3	Q Do you have an oral agreement with Ms.	[REDACTED]
4	Powers with regard to the payment of her legal fees?	[REDACTED]
5	A [REDACTED].	[REDACTED]
6	Q If there was a judgment entered against	[REDACTED]
7	8 Ms. Powers, have you agreed to pay for that?	[REDACTED]
9	A [REDACTED].	[REDACTED]
11	Q That wasn't my question.	[REDACTED]
12	My question is, if there is a	[REDACTED]
13	judgment entered against her, have you agreed to pay	[REDACTED]
14	for that judgment?	[REDACTED]
15	A [REDACTED].	[REDACTED]
16	Q So, when was the first time that you had	[REDACTED]
17	any contact at all with [REDACTED] ?	[REDACTED]
18	A 2009, 2010ish.	[REDACTED]
19	Q And you may have testified to this	[REDACTED]
20	already, but how did you first learn about Ms.	[REDACTED]
21	[REDACTED]?	[REDACTED]
22	A Through [REDACTED].	[REDACTED]
23	Q Did you go to Ms. [REDACTED] and ask to meet	[REDACTED]
24	with a particular kind of person and she made the	[REDACTED]
25	introduction?	[REDACTED]
Page 199		Page 201
1	A I had communicated to [REDACTED] that the	1 [REDACTED]
2	type of women I was interested in meeting were ones	[REDACTED]
3	that were interested in consensual submissive BDSM	[REDACTED]
4	activity. So, I had relayed that information in	[REDACTED]
5	some format or another to [REDACTED].	[REDACTED]
6	Q And after you did so, she made a	[REDACTED]
7	connection between you and Ms. [REDACTED], correct?	[REDACTED]
8	A That's correct.	[REDACTED]
9	Q And you paid Ms. [REDACTED] some amount of money	[REDACTED]
10	for that, right?	[REDACTED]
11	A I did.	[REDACTED]
12	Q You did or did not, sir.	[REDACTED]
13	A I did.	[REDACTED]
14	Q You did.	[REDACTED]
15	Do you remember how much?	[REDACTED]
16	A I don't.	[REDACTED]
17	Q Where did you first physically meet Ms.	[REDACTED]
18	[REDACTED]?	[REDACTED]
19	A I can't remember for sure. I'm thinking	[REDACTED]
20	it was the [REDACTED],	[REDACTED]
21	that's just a distant memory.	[REDACTED]
22	Q You met with Ms. [REDACTED] for the first time	[REDACTED]
23	prior to having the lease in the apartment; is that	[REDACTED]
24	correct?	[REDACTED]
25	A That's correct.	[REDACTED]

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1 give to Ms. █ prior to her making the  
2 introduction to you of Ms. █?  
3 MR. GROVER: Objection to form.  
4 A Nothing different than what I had  
5 testified to before that I was looking to meet women  
6 who were willing to engage in consensual BDSM sexual  
7 activity.  
8 Q So, when you testified before you mean in  
9 reference to Ms. █?  
10 A You had asked me some question. I'm not  
11 sure who it was in reference to.  
12 Q Did you meet -- no, withdrawn.  
13 How many times have you physically  
14 met with Ms. █ since that first time you met  
15 her in 2011?  
16 A I -- I'm going to try to estimate because  
17 I don't know over the last six years, but I believe  
18 it was six, seven, eight times.  
19 Q Did you ever become friends with  
20 Ms. █ or was it always about this BDSM play?  
21 A It's two questions.  
22 Q Did you ever become friends with  
23 Ms. █?  
24 A Yes.  
25 Q Did you consider Ms. █ more a friend

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1       you met with Ms. [REDACTED] ?

2           A     My recollection is maybe at the end of

3     2016.

4       Q     When you met with Ms. [REDACTED] at some point

5     at the end of 2016, did you have any sexual

6     intercourse with Ms. [REDACTED] ?

7           A     I don't recall.

8       Q     Did you engage in BDSM when you met with

9     Ms. [REDACTED] at the end of 2016?

10          A     I don't have a memory one way or the

11     other.

12       Q     Did you pay Ms. [REDACTED] when you met with

13     her at the end of 2016?

14          A     I don't have a memory of it one way or the

15     other.

16       Q     Did you meet with her in the apartment

17     when you met with her at the end of 2016?

18          A     I assume I would have, but I don't have a

19     specific memory of it.

20       Q     When did you first meet [REDACTED] ?

21          A     I believe it was September 2011.

22       Q     And you may have testified to this, how

23     did you first come into contact with Ms. [REDACTED] ?

24          A     Through [REDACTED] .

25       Q     What direction or specification did you

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	Page 206	
1	<b>Q</b> What did she talk about?	1 A No, and I didn't pay her any money.
2	A That she was addicted to heroin.	2 <b>Q</b> Prior to December 2016 when was the last
3	<b>Q</b> Did you ever get heroin for her?	3 time before that you remember meeting with Ms.
4	A No.	4 [REDACTED]?
5	<b>Q</b> How many times did you pay Miss [REDACTED]?	5 A I believe it was January of 2016.
6	A I believe it was six or seven times.	6 <b>Q</b> Please tell me about that encounter.
7	<b>Q</b> When was the last time you paid Ms.	7 A We -- she came to the condo, the
8	[REDACTED]; do you remember?	8 apartment. Jennifer Powers was there. I happened
9	A In June of 2017 I had met her at the	9 to be trying on some new clothing. [REDACTED] and Jen
10	apartment. She had been texting me frequently in	10 kind of critiqued the outfits I was trying on and
11	the few weeks leading up to that telling me she was	11 then I took her out for dinner that night.
12	desperate and broke. I hadn't seen her in person	12 <b>Q</b> And did you engage in BDSM play that
13	for probably a year-and-a-half, and she mentioned to	13 night?
14	me that her father had died, and that she had been	14 A No.
15	kicked out of her apartment, and that she was	15 <b>Q</b> Did you have sexual intercourse with her?
16	desperate for money, and she was very interested in	16 A In other words, no sexual BDSM contact at
17	meeting up with me to have a consensual BDSM time,	17 all. It was a date, same as had been in -- same as
18	and she showed up at the apartment. She was wearing	18 we had in January of 2016. It's a date. I took her
19	sneakers, short shorts, and a tank top. She had	19 out for dinner. I didn't give her any money.
20	sores all over her body and she broke down crying.	20 <b>Q</b> I'm sorry. I may have gotten confused on
21	She told me that she -- I asked her what the sores	21 the dates. When was it that you were trying on the
22	were. She said she was addicted to heroin. I	22 clothes?
23	talked to her for about maybe 30 minutes, gave her a	23 A I believe it was twice in 2016. One was
24	hug. She left. She was in the apartment for less	24 in January, one was in December.
25	than an hour.	25 <b>Q</b> And you didn't pay her in December I think
	Page 207	
1	<b>Q</b> Did you give her any money?	1 Page 209
2	A After she left, I instructed Jennifer	2 A was your testimony, right?
3	Powers to send her \$2,000.	3 A You know, as I recall.
4	<b>Q</b> Was that the last time you saw her before	4 <b>Q</b> Okay, and then what about in January?
5	the deposition in this case?	5 A As I recall, I did not pay her.
6	A That's the last time I saw her or	6 <b>Q</b> Prior to that January or so meeting in
7	communicated with her.	7 2016, when was the last time before that you saw Ms.
8	<b>Q</b> Did you give her anything to eat or drink	8 [REDACTED]?
9	when she was in the apartment?	9 A As I sit here today, I believe it was
10	A Perhaps a water. We did not have any	10 October of 2014.
11	alcohol.	11 <b>Q</b> So, more than a year previous?
12	<b>Q</b> Prior to that time in I think you said the	12 A Correct.
13	summer of 2017, when was the last time you had seen	13 <b>Q</b> Did you engage in BDSM play that night
14	Ms. [REDACTED]?	14 A [REDACTED]
15	A I think it was -- I think I saw her in	15 [REDACTED] strip club in New York City.
16	December of 2016. I had taken her out for food and	16 <b>Q</b> Had you flown Ms. [REDACTED] to New York for
17	drinks some evening after I had played my regular	17 that?
18	doubles tennis game. We met on the Upper East Side	18 A I think she was living in New York.
19	around 10 o'clock at night.	19 <b>Q</b> How did you end up getting connected with
20	<b>Q</b> You said that's December 2016?	20 her that time?
21	A I believe that's the date.	21 A I texted her I believe, or that's what I
22	<b>Q</b> Did you engage in any BDSM play that	22 think.
23	night?	23 <b>Q</b> Where physically were you in the [REDACTED]
24	A No.	24 [REDACTED].
25	<b>Q</b> Did you have sexual intercourse with her?	25 A In the [REDACTED].

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1 A [REDACTED] and  
2 she left.

3 Q Did you pay her after that?  
4 A This is just my recollection, I believe I  
5 gave her \$1,000 in cash as she was leaving.

6 Q So, you didn't ask Ms. Powers to make a  
7 further payment to her; is that correct?  
8 A That's correct.  
9 Q Did you arrange for her to fly to New York  
10 for that?  
11 A As far as I knew she was already in New  
12 York.  
13 MR. BALESTRIERE: Why don't we just take a  
14 break, bathroom break?  
15 THE VIDEOGRAPHER: This will end video  
16 three of the deposition of Howard Rubin.  
17 We're going off the record at 3:44 p.m. on  
18 October 25, 2018.  
19 (Whereupon, a short recess was  
20 taken.)  
21 We're back on the record. The time is  
22 4:01 p.m. October 25, 2018.  
23 This will begin video deposition four.  
24 MR. BALESTRIERE: Can I ask you to read  
25 the last question and answer back, please?

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1 A Yes.

2 Q -- with Ms. [REDACTED] ?

3 A Yes.

4 Q Okay, prior to June of 2014, when was the

5 time before that you saw Ms. [REDACTED] ?

6 A September of 2011.

7 Q Did you meet with her -- you may have

8 already testified about this that was at the

9 apartment?

10 A No, that was at the [REDACTED]

11 [REDACTED].

12 Q Did you have the apartment at that time?

13 A We may have signed the lease already, but

14 I don't know if I had actually -- the place was

15 furnished or ready to use yet.

16 Q This is 2011, correct?

17 A That's correct.

18 Q What was your recollection as to the month

19 that this took place at the [REDACTED] ?

20 A September.

21 Q Did you engage in sexual intercourse with

22 Ms. [REDACTED] that night?

23 A No.

24 Q Did you engage in BDSM play with her that

25 night?

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1 Q How did you get connected with Ms. [REDACTED] ?  
2 You may have testified to this already.  
3 A She was introduced to me by [REDACTED]  
4 [REDACTED].  
5 Q How did Ms. [REDACTED] know her, do you know?  
6 A I do not know.  
7 Q Ms. [REDACTED] flew to New York then in  
8 October 2015 to meet with you; is that right?  
9 A That's correct.  
10 Q Did you pay her after your encounter?  
11 A I believe so.  
12 Q How much did you pay her do you remember?  
13 A Well, again, just to clarify, whenever you  
14 say how much did I pay her, it was all my money  
15 being paid through PayPal through Jennifer Powers.  
16 Q Understood?  
17 A I believe it was \$1,000.  
18 Q How come so little?  
19 A Well, \$1,000 is still a lot of money.  
20 However, she was -- we had begun BDSM sexual  
21 activity, and we were [REDACTED], and I noticed  
22 [REDACTED], and she admitted that she had  
23 [REDACTED], and we stopped, and I  
24 went home after that.  
25 Q Did she spend in the night in the

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